

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

IN RE LENDING TREE, LLC  
CUSTOMER DATA SECURITY BREACH  
LITIGATION

Civil Action No.: 3:08-MD-1976

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**THE BERCAW-MILLER-SHAVER GROUP PLAINTIFFS' PETITION FOR  
CERTIFICATION FOR APPEAL PURSUANT TO 28 U.S.C. § 1292(b)**

The Bercaw-Miller-Shaver Group Plaintiffs, through undersigned counsel, and pursuant to 28 U.S.C. § 1292(b), respectfully request that the Court certify its February 5, 2009 ruling granting Defendant LendingTree, LLC's (hereafter "Lending Tree") "Consolidated Motion to Stay and Compel Arbitration" to the United States Court of Appeals for the Fourth Circuit for immediate appeal. As set forth in the accompanying Memorandum of Law, the Court's decision involves a controlling question of law for which there is substantial grounds for a difference of opinion, and immediate appeal likely will advance the ultimate termination of the litigation. Interlocutory review under § 1292(b) is therefore appropriate, and Plaintiffs submit that a certification of the Court's decision should be filed.

Dated: March 16, 2009.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on March 16, 2009, I electronically filed the foregoing THE BERCAW-MILLER-SHAVER GROUP PLAINTIFFS' PETITION FOR CERTIFICATION FOR APPEAL PURSUANT TO 28 U.S.C. § 1292(b), with the Clerk of Court using the CM/ECF system which will send notification of such filing to all disclosed recipients.

/s/Gary W. Jackson

Gary W. Jackson